

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CIVIL TRIAL MINUTES

The Honorable WILLIAM H. ALSUP

Date: April 24, 2012

Case No.: **C10-03561 WHA**

Case Name: **ORACLE AMERICA, INC.** v. **GOOGLE INC.**

Plaintiff's Counsel: Michael Jacobs; Dan Muino; Fred Norton; David Boies; Steven Holtzman; Ken Kuwayti
Dorian Daley; Safra Catz (Corporate Representative)

Defendant's Counsel: Robert Van Nest; Christa Anderson; Dan Purcell; Michael Kwun; Bruce Baber
Renny Hwang; Catherine Lacavera (Corporate Representative)

Clerk: Dawn K. Toland

Court Reporter: Kathy Sullivan; Debra Pas

Trial Began: April 16, 2012

Further Trial: April 25, 2012 at 7:30 am

Trial Motions Heard:

Disposition

1.	_____	_____
2.	_____	_____
3.	_____	_____

Other:

Time in Trial: 5 hours 50 minutes

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EXHIBIT and WITNESS LIST

JUDGE: WILLIAM H. ALSUP	PLAINTIFF ATTORNEY: Michael Jacobs; Dan Muino Fred Norton; David Boies; Dorian Daley Steven Holtzman; Ken Kuwayti	DEFENSE ATTORNEY: Robert Van Nest; Christa Anderson Dan Purcell; Michael Kwun Bruce Baber
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TRIAL DATE: April 24, 2012	REPORTER(S): Kathy Sullivan; Debra Pas	CLERK: Dawn Toland
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PLF NO.	DEF NO.	DATE OFFERED	ID	REC	DESCRIPTION	BY
		<u>7:30 am</u>			<u>Outside the presence of the jury. Plaintiff provided the Court and agreed upon list of witnesses and attorneys to give the jury. Plaintiff submitted deposition excerpts and demonstrative exhibits: 1066, 1067 and 1073. David Boies advised the Court parties have stipulated to admit the following exhibits: 34, 278, 298, 387, 538 and 1048. Parties argued an issue regarding a blog - exhibit 2352. Court ruled it can be used. Defendant raised issue regarding exhibit 431 as 403. Court overruled the objection.</u>	
		<u>8:02 am</u>			<u>Reconvene...jury present</u>	
					<u>Court addressed the jury re approaching witnesses</u>	
		<u>8:04 am</u>			<u>Direct of Andy Rubin continued</u>	
<u>207</u>			<u>x</u>	<u>x</u>	<u>Email from Eric Schmidt to Andy Rubin re java phone</u>	
<u>214</u>			<u>x</u>	<u>x</u>	<u>Email from Eric Schmidt to Andy Rubin re sun deal</u>	
<u>215</u>			<u>x</u>	<u>x</u>	<u>Email from Chris Desalvo to Andy Rubin re Java class libraries</u>	
<u>216</u>			<u>x</u>	<u>x</u>	<u>Email from Eric Schmidt to AndyRubin</u>	
<u>217</u>			<u>x</u>	<u>x</u>	<u>Email from Dave Burke to Andy Rubin re Future of Mobile conference</u>	
<u>221</u>			<u>x</u>	<u>x</u>	<u>Email from Andy Rubin to Louis Perrochon re On the good stuff</u>	
<u>223</u>			<u>x</u>	<u>x</u>	<u>Email from Larry Page to AndyRubin</u>	
<u>230</u>			<u>x</u>	<u>x</u>	<u>Email from Andy Rubin to Bob Lee</u>	
<u>273</u>			<u>x</u>	<u>x</u>	<u>Email form Andy Rubin to Dan Bornstein</u>	
<u>382</u>			<u>x</u>	<u>x</u>	<u>Email from Andy Rubin to Eric Chu re Google folks</u>	
<u>389</u>			<u>x</u>	<u>x</u>	<u>Email from Richard Miner to Andy Rubin re JVM</u>	

<u>431</u>			<u>x</u>	<u>x</u>	<u>Email from Cathay Bi to Alan Eagle re BOD question</u>	
<u>433</u>			<u>x</u>	<u>x</u>	<u>Android GPS - Meeting notes</u>	
<u>438</u>			<u>x</u>	<u>x</u>	<u>Email from Andy Rubin to AlanEustace re Noser agreement</u>	
<u>618</u>			<u>x</u>	<u>x</u>	<u>Email from Andy Rubin to Vineet Gupta re Confidential</u>	
<u>619</u>			<u>x</u>	<u>x</u>	<u>Email from Andy Rubin to Vineet Gupta re Revised agreement</u>	
<u>1002</u>			<u>x</u>	<u>x</u>	<u>Email from Tim Lindholm to Andy Rubin re Android and JavaOne</u>	
<u>1044</u>			<u>x</u>	<u>x</u>		
<u>1050</u>			<u>x</u>	<u>x</u>		
<u>1051</u>			<u>x</u>	<u>x</u>		
<u>1060</u>			<u>x</u>	<u>x</u>		
<u>3443</u>			<u>x</u>	<u>x</u>	<u>Email: dated April 29, 2006 from Eric Schmidt to Andy Rubin</u>	
<u>1061</u>			<u>x</u>	<u>x</u>	<u>Email with Attached Presentation</u>	
<u>1</u>			<u>x</u>	<u>x</u>	<u>Android GPS Key Strategic Decisions Around Open Source</u>	
<u>12</u>			<u>x</u>	<u>x</u>	<u>Email from Tim Lindholm to Andy Rubin re JCP Click</u>	
<u>7</u>			<u>x</u>	<u>x</u>	<u>Email from Tracey Cole to Andy Rubin, including email from Andy Rubin to Larry Page</u>	
<u>125</u>			<u>x</u>	<u>x</u>	<u>Email from Tim Lindholm to Andy Rubin re Anything useful in yesterday's Sun meeting</u>	
<u>9</u>			<u>x</u>	<u>x</u>	<u>Email from Tim Lindholm to Andy Rubin and Rich Miner re One last thought on Sun</u>	
<u>21</u>			<u>x</u>	<u>x</u>	<u>Email from Andy Rubin to Dan Bornstein re What are we doing?</u>	
<u>180</u>			<u>x</u>	<u>x</u>	<u>Email from Erin Fors to Michael Kirkland, Barry Schnitt and Andy Rubin re New question on Android Java</u>	
		<u>8:36 am</u>			<u>Defendant reserved cross of Mr. Rubin until case in chief</u>	
		<u>8:40 am</u>			<u>Recess</u>	
		<u>8:58 am</u>			<u>Reconvene...jury present</u>	
					<u>Plaintiff's witness Eric Schmidt sworn-in. Direct by David Boies</u>	
<u>6</u>			<u>x</u>	<u>x</u>	<u>Email from Andy Rubin to emg@google.com including Android GPS presentation</u>	
<u>158</u>			<u>x</u>	<u>x</u>	<u>Email from Andyt@google.com to tangjanfeng@chinamobile.com re Materials on Google</u>	
<u>251</u>			<u>x</u>	<u>x</u>	<u>Email from Dan Morrill to Dan Bornstein re Android JRE Coverage</u>	

<u>151</u>			<u>x</u>	<u>x</u>	<u>Email from Steve Horowitz to Andy Rubin re GPS Notes</u>	
<u>10</u>			<u>x</u>	<u>x</u>	<u>Email from Tim Lindholm to Andy Rubin</u>	
<u>17</u>			<u>x</u>	<u>x</u>	<u>Email from Bill Coughran to Tim Lindholm re Travel for Android</u>	
<u>1</u>			<u>x</u>	<u>x</u>	<u>Android GPS Key Strategic Decisions Around Open Source</u>	
<u>405</u>			<u>x</u>	<u>x</u>	<u>Email from Eric Schmidt to Bob Lee</u>	
		<u>9:22 am</u>			<u>Plaintiff REST</u>	
					<u>Rule 50 Motion deemed made</u>	
		<u>9:22 am</u>			<u>Defendant's witness Eric Schmidt by Robert Van Nest</u>	
	<u>1</u>		<u>x</u>	<u>x</u>	<u>Android GPS Key Strategic Decisions Around Open Source</u>	
	<u>205</u>		<u>x</u>	<u>x</u>	<u>Email from Scott McNealy to Eric Schmidt re Potential Sun Google</u>	
	<u>435</u>		<u>x</u>	<u>x</u>	<u>Email from Jonathan Schwartz to Eric Schmidt</u>	
	<u>2372</u>		<u>x</u>	<u>x</u>	<u>Email; Dated: May 8, 2006 from Vineet Gupta</u>	
	<u>3441</u>		<u>x</u>	<u>x</u>	<u>Email; Dated: November 9, 2007 from Eric Schmidt</u>	
	<u>2352</u>		<u>x</u>		<u>Blog Entry; Dated: November 5, 2007</u>	
	<u>3466</u>		<u>x</u>	<u>x</u>	<u>Email; Dated March 31, 2008 from Eric Schmidt to Jonathan Schwartz</u>	
	<u>3521</u>		<u>x</u>		<u>Email; Dated May 6, 2008 from Andy Rubin to Eric Schmidt</u>	
		<u>10:38 am</u>			<u>Side Bar</u>	
		<u>10:44 am</u>			<u>Direct continued</u>	
		<u>10:46 am</u>			<u>Recess</u>	
		<u>11:02 am</u>			<u>Reconvene...jury present</u>	
					<u>Cross Examination by David Boies</u>	
<u>154</u>			<u>x</u>	<u>x</u>	<u>Email from Jason Harinstein to Andy Rubin</u>	
<u>1048</u>			<u>x</u>	<u>x</u>	<u>Publication Sun concerned Google's Android will fracture Java</u>	
<u>30</u>			<u>x</u>	<u>x</u>	<u>Noser Engineering AG statement of Work</u>	
<u>3</u>			<u>x</u>	<u>x</u>	<u>Emil from Andy Rubin to Tim Lindholm</u>	
<u>7</u>			<u>x</u>	<u>x</u>	<u>Email from Tracey Cole to Andy Rubin, including email from Andy Rubin to Larry Page</u>	
<u>406</u>			<u>x</u>	<u>x</u>	<u>Email from Eric Schmidt to Brett Slatkin</u>	
		<u>11:38 am</u>			<u>Redirect Examination</u>	
	<u>406</u>		<u>x</u>	<u>x</u>	<u>Email from Eric Schmidt to Brett Slatkin</u>	
		<u>11:51 am</u>			<u>Cross Examination</u>	

<u>3452</u>			<u>x</u>		<u>Demonstrative Drawn by Dr. Bloch</u>	
		<u>11:58 am</u>			<u>Redirect Continued</u>	
		<u>12:00 pm</u>				
<u>1028</u>			<u>x</u>	<u>x</u>	<u>Java Class Libraries</u>	
<u>18</u>			<u>x</u>	<u>x</u>	<u>Email from Greg Stein to Andy Rubin</u>	
		<u>12:03 pm</u>			<u>Side Bar</u>	
		<u>12:05 pm</u>			<u>Witness Excused</u>	
					<u>Defendant's witness Andy Rubin by Robert Van Nest</u>	
	<u>617</u>		<u>x</u>	<u>x</u>	<u>Email from Leo Cizek to Matthew Marquis re Time-sensitive</u>	
	<u>11</u>		<u>x</u>	<u>x</u>	<u>Email from Rich Miner to Steve Horowitz re Sun doc</u>	
	<u>18</u>		<u>x</u>	<u>x</u>	<u>Email from Greg Stein to Andy Rubin re the open J2ME project</u>	
	<u>331</u>		<u>x</u>		<u>Email from Andy Rubin to Tim Lindholm Sun Deal Review</u>	
	<u>2881</u>		<u>x</u>		<u>Android Platform Diagram</u>	
		<u>1:00 pm</u>			<u>Recess</u>	
					<u>Outside the presence of the jury. Court gave counsel the amount of time used.</u>	
		<u>1:20 pm</u>			<u>Recess until 4/25/12 at 7:30 am</u>	